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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,856	09/02/2004	John D Bambara	41794.0074	4723
57600 7590 10/14/2008 HOLLAND & HART LLP 60 E. South Temple, Suite 2000 P.O. Box 11583 Salt Lake City, UT 84110				
EXAMINER				
CHANG, VICTOR S				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,856

Applicant(s)

BAMBARA ET AL.

Examiner

VICTOR S. CHANG

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008 and 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18 and 95-104 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4-6, 11, 16, 17, 96, 101 and 104 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 10, 12-15, 18, 95, 97-100, 102 and 103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. Applicants' remarks filed on 6/27/2008 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In response, the grounds of rejections have been updated as set forth below.

Election/Restrictions

4. Applicant's election of species recited in claims 95 and 103 in the reply filed on 6/27/2008 is acknowledged. Claims 96 and 104 are non-elected species. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Further, since applicants have previously elected species having different skin composition [see response filed 3/8/2007], claim 101 is also withdrawn. Claims 2, 4-6, 11, 16 and 17 are previously withdrawn. Claims 8-9 and 19-94 are previously cancelled. In summary, claims 1, 3, 7, 10, 12-15, 18, 95, 97-100, 102, and 103 are elected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. 1, 3, 7, 10, 12-15, 18, 95, 97-100, 102, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann et al. [US 6217696] in view of Parrish [US 3787543].

Hartmann's invention relates to a plate mounting tape with a self-adhesive (bonding) composition on both sides (skin layer) of a polyolefin foam film substrate [abstract]. Useful polyolefin foam films have an adequate tearing strength, so as to leave behind as little residue as possible upon detachment [col. 1, ll. 25-28]. The self-adhesive composition may be a composition based on natural rubber, synthetic rubber or, in particular, a polyacrylate base [col. 2, ll. 52-53].

For claims 1, 3, 10, 18 and 97-100, Hartmann is silent about the use of polypropylene as the polyolefin for the foam film. However, Parrish's invention relates to polyolefin foam sheets. Parrish teaches that linear polyethylene and isotactic polypropylene foams provide high tear strength [col. 4, ll. 15-16]. It would have been obvious to one of ordinary skill in the art to select polypropylene foam film to make Hartman's plate mounting tape, motivated by the desire to obtain the beneficial effect of high tear strength.

For claims 7 and 102, Hartmann is silent about a differential bonding strengths of the bonding layers. However, the examiner takes Official notice that configuring differential bonding strengths (inherently different compositions) on double sided adhesive tape is old and well known, so as to facilitate detachment of the mounted article, and it would have been an obvious modification to one of ordinary skill in the art to modify Hartman's mounting tape accordingly.

For claims 12-15, Hartmann is silent about the additives in the adhesive composition. However, the examiner takes Official notice that various organic additives, such as plasticizer, tackifier, etc., for forming adhesive compositions are also old and well known to one of ordinary skill in the art of adhesive. It would have been obvious to modify the bonding layer with suitable additives, motivated by the desire to obtain required adhesive properties.

For claims 95 and 103, Hartmann teaches that adhesives based on various polymers, including synthetic polymers can be used. The examiner takes Official notice that ethylene vinyl acetate is a well known base polymer for formulating an adhesive composition. It would have obvious to one of ordinary skill in the art to form the adhesive composition based on ethylene vinyl acetate, because the selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP § 2144.07.

Conclusion

7. Applicant's amendment filed 8/10/2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR S. CHANG whose telephone number is (571)272-1474. The examiner can normally be reached on 7:00 am - 5:00 pm, Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor S Chang/
Primary Examiner, Art Unit 1794